

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EJM FARMS, INC.,

Plaintiff,

vs.

LOREN AND COLLETTE JESSEN,
doing business as JESSEN
UNLIMITED,

Defendants and
Crossclaimants,

and

TITAN MACHINERY, INC.,

Defendant and
Crossclaim Defendant.

8:16-CV-255

ORDER

This matter is before the Court on the motion of defendants Loren and Collette Jessen ([filing 122](#)) to extend the deadline for them to show cause why their crossclaims against Titan Machinery should not be dismissed. That motion will be granted in part and denied in part.

The sole basis identified for extending the show cause deadline—which had been set for today, after a previous extension—is that the plaintiff, EJM Farms, has moved the Court to reconsider its Memorandum and Order of March 26, 2018 ([filing 15](#)) to the extent that the Court dismissed EJM's claims against Titan. [Filing 117](#); [filing 122](#). So, the Jessens want their show cause deadline extended until after the Court rules on the motion to reconsider because, they say, the Court's "decision on that motion would be dispositive of the inclusion of Titan Machinery." [Filing 122 at 1](#).

But that's not quite right. True, if the Court changed its mind about dismissing EJM's claims against Titan, Titan would remain a defendant. But that's not dispositive of the separate issue whether the Jessens' crossclaim against Titan is viable. The question posed by the Court's order to show cause is whether the Jessens' claim for indemnity is viable when the Jessens' liability to EJM could only arise from the Jessens' own wrongdoing. See [filing 114 at 15-16](#). And that question needs to be answered regardless of whether EJM has its own claim against Titan. So, there is no reason to wait for a ruling on the motion to reconsider, to brief the separate issues posed by the Jessens' crossclaim.

That said, the Court recognizes that because the show cause deadline was today, the Jessens probably need more time to respond. So, the Court will grant a 14-day extension. No further extensions will be granted without a compelling showing of good cause.

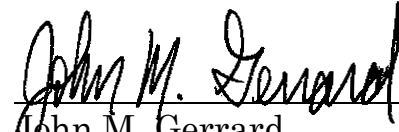
IT IS ORDERED:

1. The Jessens' motion to extend ([filing 122](#)) is granted in part and in part denied.
2. On or before June 6, 2018, the Jessens shall show cause, through briefing and any necessary evidence, why their crossclaims should not be dismissed.
3. Titan may reply to the Jessens' response on or before June 13, 2018.

4. The Clerk of the Court shall set a show cause deadline for June 6, 2018.

Dated this 23rd day of May, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge